United Nations A/61/398

General Assembly

Distr.: General
1 November 2006
English
Original: French

Sixty-first session
Agenda item 94

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Abdelhamid **Gharbi** (Tunisia)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the sixty-first session of the General Assembly in accordance with Assembly resolution 60/93 of 8 December 2005.

2. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 1st meeting, on 28 September 2006, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 82 to 97, which was held at the 2nd to 7th meetings, from 2 to 6 and on 9 October (see A/C.1/61/PV.2-7). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 8th to 19th meetings, from 9 to 13, from 16 to 20 and on 23 October (see A/C.1/61/PV.8-19). Action on all draft resolutions was taken at the 19th to 23rd meetings, on 23 from 25 to 27 and on 30 October (see A/C.1/61/PV.19-23).

4. No documents were submitted for consideration under this item.

06-54780 (E) 161106

II. Consideration of draft resolution A/C.1/61/L.18

5. At the 16th meeting, on 18 October, the representative of Sweden on behalf of Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Colombia, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Panama, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/61/L.18). Subsequently, Albania, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Ecuador, Honduras, Liechtenstein, Moldova, Mongolia, Montenegro, Norway, Peru, the Republic of Korea, Sierra Leone, South Africa, Timor-Leste, Turkmenistan, the United States of America and Uruguay joined in sponsoring the draft resolution.

6. At the 20th meeting, on 25 October, the Secretary of the Committee read out a statement of the programme budget implications of draft resolution A/C.1/61/L.18 provided by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly.

7. At the same meeting, the Committee adopted draft resolution A/C.1/61/L.18 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 60/93 of 8 December 2005,

Recalling with satisfaction the adoption and the entry into force of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1] and its amended article 1,[2] and the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and its amended version,[3] the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)[1] and the Protocol on Blinding Laser Weapons (Protocol IV),[4]

Recalling the decision of the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects to establish an open-ended group of governmental experts with two separate coordinators on explosive remnants of war and on mines other than anti-personnel mines,[2]

Recalling also the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto, and welcoming the particular efforts of various international, non-governmental and other organizations in raising awareness of the humanitarian consequences of explosive remnants of war,

1. *Calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] and the Protocols thereto, as amended, with a view to achieving the widest possible adherence to these instruments at an early date, and so as to ultimately achieve their universality;

2. *Calls upon* all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocols to the Convention and the amendment extending the scope of the Convention and the Protocols thereto to include armed conflicts of a non-international character;

---

[1] United Nations, *Treaty Series*, vol. 1342, No. 22495.

[2] See CCW/CONF.II/2 and Corr.1, part II.

[3] CCW/CONF.I/16 (Part I), annex B.

[4] Ibid., annex A.

3. *Welcomes with satisfaction* the adoption of the Protocol on Explosive Remnants of War (Protocol V)[5] at the Meeting of the States Parties to the Convention held in Geneva on 27 and 28 November 2003 and its entry into force on 12 November 2006, and calls upon the States that have not yet done so to become parties to the Protocol as soon as possible;

4. *Notes* the decision of the Meeting of the States Parties that the Working Group on Mines Other Than Anti-Personnel Mines would continue its work in 2006 with the mandate to consider all proposals on mines other than anti-personnel mines put forward since the establishment of the Group of Governmental Experts, and to conduct meetings of military experts to provide advice, with the aim of elaborating appropriate recommendations on this issue for submission to the Third Review Conference in 2006;[6]

5. *Also notes* the decision of the Meeting of the States Parties that the Working Group on Explosive Remnants of War would continue its work in 2006 with the mandate to continue to consider, including through participation of legal experts, the implementation of existing principles of international humanitarian law and to further study, on an open-ended basis, with particular emphasis on meetings of military and technical experts, possible preventive measures aimed at improving the design of certain specific types of munitions, including sub-munitions, with a view to minimizing the humanitarian risk of these munitions becoming explosive remnants of war, and to report on the work done to the Third Review Conference in 2006;[6]

6. *Further notes* the decision of the Meeting of the States Parties that the President-designate should continue to undertake consultations during the intersessional period on possible options with respect to promoting compliance with the Convention and the Protocols thereto, taking into account proposals put forward, and report on the work done to the Third Review Conference in 2006;[6]

7. *Expresses support* for the work conducted by the Group of Governmental Experts, and encourages the President-designate and the Coordinators of the Group to continue their work in preparation for the Third Review Conference, in accordance with the mandates and decisions for 2006, with the aim of achieving a successful Third Review Conference from 7 to 17 November 2006;

8. *Expresses support* for conducting a thorough review at the Third Review Conference of the scope, operation, status and implementation of the Convention and of the Protocols thereto as amended;

9. *Expresses support* for the decisions of the Group of Governmental Experts to recommend to the Third Review Conference a plan of action to promote universality of the Convention and the Protocols thereto, a declaration on the entry into force of Protocol V on explosive remnants of war, as well as a sponsorship programme;

10. *Notes* that, in conformity with article 8 of the Convention, the Review Conference may consider any proposal for amendments to the Convention or the Protocols thereto as well as any proposal for additional protocols relating to other

[5] See CCW/MSP/2003/3, appendix II.

[6] See CCW/MSP/2005/2 and Corr.1.

categories of conventional weapons not covered by existing Protocols to the Convention;

11. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the Eighth Annual Conference of the High Contracting Parties to Amended Protocol II to the Convention on 6 November 2006 and for the Third Review Conference, and for any possible continuation of work after the Conference, should the States parties deem it appropriate;[7]

12. *Also requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically, by electronic means, of ratifications and acceptances of and accessions to the Convention, its amended article 1,[2] and the Protocols thereto;

13. *Decides* to remain seized of the matter.

[7] In accordance with the proposed programme budget for the biennium 2006-2007: part II, Political affairs (sect. 4, Disarmament) (A/60/6 (sect. 4)), para. 4.25 (a) (iii) a.